

# MEMORANDUM

March 30, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: RANDOLPH M. EVEN, ESQ.  
Randolph M. Even and Associates

NARBEH BAGDASARIAN  
Senior Associate County Counsel,  
Health Services Division

RE: Gregory L. Harris v. County of Los Angeles  
Los Angeles County Superior Court, Case No. TC 017976

DATE OF  
INCIDENT: June 7, 2003

AUTHORITY \$150,000.00, Plus Assumption of the Medi-Cal Lien Not to Exceed  
REQUESTED: \$83,281.93


COUNTY  
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

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## CLAIMS BOARD ACTION:

☐ Approve ☐ Disapprove ☒ Recommend to Board of  
Supervisors for Approval

  
\_\_\_\_\_, Chief Administrative Office  
**ROCKY ARMFIELD**

  
\_\_\_\_\_, County Counsel  
**JOHN F. KRATTLI**

  
\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on May 1, 2006

## **SUMMARY**

This is a recommendation to settle for \$150,000.00, the medical negligence lawsuit brought by Gregory Lamont Harris for the injuries he sustained while hospitalized at Harbor-UCLA Medical Center. The State, having paid \$83,281.93 for the provision of Medi-Cal care, has a claim for reimbursement, which will be settled by the County.

## **LEGAL PRINCIPLES**

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

## **SUMMARY OF FACTS**

On May 25, 2003, at around 11:30 p.m., Gregory L. Harris, a 17-year-old male, was shot in the right calf in a drive-by shooting. Mr. Harris was first taken to Charter Suburban Medical Center where it was noted that he had no pulses in his right foot and had evidence of nerve injury in his foot. There was an indication that the blood flow to his right foot was affected by the gunshot.

At around 12:54 a.m., on May 26, 2003, Harbor-UCLA Medical Center accepted the transfer of the patient for higher level of care, thus, Mr. Harris arrived at the emergency department of Harbor-UCLA Medical Center at around 1:50 a.m. on May 26, 2003. Initial examination indicated that there were no pulses in the patient's foot, and that his foot was cold to touch.

At around 2:45 a.m., on May 26, 2003, Mr. Harris underwent a surgical procedure to repair the blood vessels that had been injured due to the gunshot. After this operation, the patient had pulses in his foot and was able to move his toes.

On June 7, 2003, at around 10:45 p.m., Mr. Harris was taken to the operating room to undergo a procedure whereby the incisions of the May 26, 2003, surgical procedure were to be partially closed. The operation ended at around 12:25 a.m., on June 8, 2003. By 9:00 a.m., on the same day, the personnel had noted that the patient's foot was cold and had no palpable pulses.

On June 9, 2003, an angiogram (a diagnostic procedure whereby the blood vessels of an organ or a limb are visualized and pictured) was performed on Mr. Harris' right leg. The angiogram revealed that the blood flow to the patient's right leg was reduced. During that procedure, attempts were made to open the affected blood vessels. The attempts were unsuccessful. By 4:20 p.m., on June 9, 2003, there were no pulses in the patient's right lower leg, and he had no sensation in parts of his right lower leg.

On June 10, 2003, at about 1:40 p.m., Mr. Harris underwent another surgical procedure to repair the affected blood vessels in his leg. The surgery revealed that there were multiple fragments of blood clot in the patient's right leg artery. By June 12, 2003, it was determined that the chance to save Mr. Harris' right foot was low and as a result, he was facing significant risks of infection and additional injuries. On that day, the personnel performed a below knee amputation on Mr. Harris' right leg. After the June 12, 2003, amputation, the patient underwent five additional surgical procedures on his leg. He was discharged from Harbor-UCLA Medical Center on August 11, 2003.

### **DAMAGES**

If this matter proceeds to trial, the claimant will likely seek the following:

Pain and Suffering (MICRA Limit)	\$ 250,000.00
Future Medical Care	\$ 322,000.00
Medi-Cal Lien	\$ 83,281.93
Attorney Fees and Costs	\$ <u>74,150.00</u>
<b>TOTAL</b>	<b>\$ 729,431.93</b>

The proposed settlement includes:

Pain and Suffering	\$ 75,850.00
Medi-Cal Lien	\$ 83,281.93
Attorneys Fees (MICRA Estimate)	\$ 49,150.00
Costs of Litigation	\$ <u>25,000.00</u>
<b>TOTAL</b>	<b>\$ 233,281.93</b>

### **STATUS OF CASE**

The current trial date has been vacated pending approval of this settlement.

This matter involved medical issues surrounding the care and treatment rendered at Harbor-UCLA Medical Center. In addition to the normal discovery in such matters, it was necessary to retain four medical experts to review the care rendered by the County personnel.

Expenses incurred by the County of Los Angeles in the defense of this case through October 26, 2005, are attorneys fees of \$48,358.81 and \$24,828.59 in costs.

The total cost to the County of Los Angeles, as a result of this settlement is as follows:

Indemnity (Settlement Amount)	\$ 150,000.00
County Attorneys Fees and Costs	\$ 73,187.40
Medi-Cal Lien	\$ <u>83,281.93</u>
 TOTAL	 \$ 306,469.33

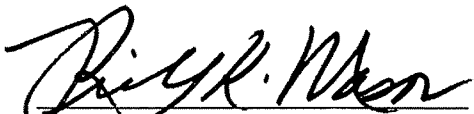
#### EVALUATION

Medical experts will be critical of the medical personnel's delay in performing an operation after the clinical and diagnostic findings indicated that the blood flow to the plaintiff's right leg was significantly affected after the surgical procedure on June 7, 2003. This delay fell below the standard of care, and is responsible for Mr. Harris' injuries.

We join with our private counsel, Randolph M. Even, Esq., and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$150,000.00, and payment of the Medi-Cal lien in the amount of \$83,281.93.

The Department of Health Services concurs in this settlement.

APPROVED:



RICHARD K. MASON  
Assistant County Counsel

NB:bdv

Attachment